

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
GREENEVILLE

UNITED STATES OF AMERICA,)	
)	
v.)	No. 2:15-CR-110
)	
PYONG KON EUN,)	
)	
Defendant.)	

REPORT AND RECOMMENDATION

Defendant filed a motion to terminate his probation and requested the Court remove the lien placed on his real property by the undersigned magistrate judge at the time of the Court's appointment of counsel [Doc. 27]. The District Court denied that part of Defendant's motion seeking to terminate his probation and referred the portion of his motion requesting removal of the property lien to the undersigned for a Report and Recommendation as deemed appropriate [Doc. 31].

On June 29, 2015, Defendant completed a financial affidavit requesting the Court appoint him counsel as a result of his receipt of a target letter from the U.S. Attorney's office. Upon a review of the affidavit, the Court found that he was indigent but owned a number of pieces of real property. Based on that, the Court approved his indigency status and appointed him counsel but placed a judicial lien on Defendant's real property to require him to assist in the cost of his defense.

Upon receiving the Order of Reference, the undersigned obtained a more detailed financial statement of the Defendant's financial condition from the Presentence Report. Although he has a positive net worth, it is not significant. Moreover, he has a negative cash flow per month. It does not appear that he has the financial wherewithal to afford the services of an

attorney. Notwithstanding his ownership of the real property, he has no equity in them. He otherwise qualifies for the services of court-appointed counsel as provided for under the CJA Act, 18 U.S.C. § 3006A. Accordingly, it is the RECOMMENDATION of the undersigned that Defendant's motion be GRANTED and the order placing a lien on Defendant's property [Doc. 2] be lifted and that he have no further obligation to contribute to the cost of his defense.¹

Respectfully submitted,

Clifton L. Corker
UNITED STATES MAGISTRATE JUDGE

¹ Any objections to this report and recommendation must be filed within fourteen (14) days of its service or further appeal will be waived. 28 U.S.C. 636(b)(1).